

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of March, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 22 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-025 amending the FY 2005 City/Federal/State Aid Fund and appropriating \$3,000, fully reimbursable, for the purchase of traffic equipment to effectively carry out selective enforcement activities and investigations, laid over from the February 22, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, City Council Report #2A was considered. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-028, as presented, amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$12,000, with \$10,000 reimbursement, to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #2B was considered. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-029, as presented, amending the FY 2005 City Capital Projects Fund budget and appropriating \$179,258, fully reimbursable, to make repairs and additions to the structural burn building at the Regional Emergency Training Center at the Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Bountiful Blessings Evangelistic Church for a conditional use permit at 2805, 2811, 2815 Langhorne Road, 2100, 2106, 2108 Memorial Avenue, and 2107 Rose Lane to allow the construction of new sanctuary and additional parking in an R-3, Medium Density, Two-Family Residential District. City Planner Tom Martin provided a brief summary of the request. Rev. I. L. Ward, Sr., Pastor of the Church, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-030, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// In the matter of Community Planning - General, a public hearing was held regarding designating Fifth Street from the John Lynch Bridge to the Fifth Street Bridge the "Dr. Martin Luther King, Jr. Boulevard", and renaming the Fifth Street Bridge to the "Dr. Martin Luther King, Jr. Memorial Bridge." City Manager Kimball Payne explained that in addition to the proposal received at the January 25 meeting, an additional proposal has been received to extend the corridor to include Memorial Avenue in its entirety to its intersection with Fort Avenue. Mr. Payne went on to say that no street names, business or personal addresses would be changed. Mr. Walter Fore, Lynchburg Voters League, Rev. James Coleman, Coalition for Recognition of the Beloved Community, Willie Butler, President, Lynchburg NAACP, along with three other individuals asked that City Council vote tonight to designate Fifth Street from the John Lynch Bridge to the Fifth Street Bridge the "Dr. Martin Luther King, Jr. Boulevard", and to rename the Fifth Street Bridge to the "Dr. Martin Luther King, Jr. Memorial Bridge." Mary Payne and Pastor Joseph Lewis, Citizens for an Improved Lynchburg, presented a petition signed by approximately 382 individuals, requesting that City Council not only approve the original proposal but to extend the corridor to include Memorial Avenue in its entirety to its intersection with Fort Avenue. Phil Theisen, Lynchburg Depressive Disorders Association, read a statement from Nancy Harris Phillips and signed by 45 individuals requesting that Memorial and Fort Avenues and Timberlake Road not be included in the corridor to be designated in honor of Dr. King. Ms. Phillips' cited references to the history and memorials along these streets and agreed that Dr. King needed to be remembered and honored, but not at the expense of Lynchburg's history. Carlton Logan asked that the City Stadium be named after Dr. King as a lasting tribute. Robert Jordon stated that there are famous people in Lynchburg and that approval of the request might set a precedent for other requests to name a street after a famous

individual. Sandra Crowther, who owns and operates a business on Fifth Street, stated that some property owners are still unclear as to how the proposal would affect their businesses. City Manager Payne reiterated that no street names, business or personal addresses would be changed, and that signage would be added to recognize the designation. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Dodson stated that he has heard from different individuals and suggested that City Council schedule a work session to discuss the two proposals. Council Member Dodson expressed concern that to rush a decision might split the community. Vice Mayor Foster stated that a vote on this matter is long overdue and voiced her desire for the two groups to reach a compromise regarding the two proposals so that a vote could be taken this evening. Council Member Gillette reminded everyone that the City is not changing street names, business or personal addresses, and that he sees approval of the proposal as the City making a statement of support of a movement and a way of thinking that Dr. King represented. Council Member Gillette also stated that he supports extending the corridor to include Memorial Avenue to its intersection with Fort Avenue and that a vote by City Council should be taken tonight. Council Member Seiffert stated that Fifth Street is on a verge of change and that it is only right that it be designated in honor of Dr. King. Council Member Helgeson stated that he supports the original proposal, but that he did not have adequate time to study the second proposal to extend the corridor to include Memorial Avenue. Council Member Helgeson suggested that City Council take action tonight on the original proposal and postpone action regarding the request to extend the corridor until a later date. Council Member Johnson expressed support and agreed that City Council should not delay a vote regarding this matter. Mayor Hutcherson stated that he would support the proposal that would extend the corridor to include Memorial Avenue to its intersection with Fort Avenue. Following discussion, Council Member Gillette made a motion, seconded by Council Member Seiffert, that Fifth Street from the John Lynch Bridge to the Fifth Street Bridge and Memorial Avenue in its entirety to its intersection with Fort Avenue be designated as an overlay known as the "Martin Luther King, Jr. Boulevard" and that the Fifth Street Bridge be renamed the "Martin Luther King, Jr. Memorial Bridge." Council Member Helgeson made a substitute motion, seconded by Council Member Dodson, that Fifth Street from the John Lynch Bridge to the Fifth Street Bridge be designated as an overlay known as the "Martin Luther King, Jr. Boulevard" and that the Fifth Street Bridge be renamed the "Martin Luther King, Jr. Memorial Bridge," and Council by the following recorded vote defeated the substitute motion:

Ayes: Dodson, Helgeson, Seiffert

3

Noes: Foster, Gillette, Johnson, Hutcherson

4

The vote was called on the original motion and Council by the following recorded vote approved the proposal that Fifth Street from the John Lynch Bridge to the Fifth Street Bridge and Memorial Avenue in its entirety to its intersection with Fort Avenue be designated as an overlay known as the "Martin Luther King, Jr. Boulevard" and that the Fifth Street Bridge be renamed the "Martin Luther King, Jr. Memorial Bridge":

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson

6

Noes: Helgeson

1

// In the matter of Community Planning – Community Development, a public hearing was held regarding the FY2005-2006 Community Development Block Grant (CDBG) and HOME Programs. Eighteen (18) individuals spoke in support of the following projects: Dance Theatre Programs; Camp Kum-Ba-Yah Scholarship Assistance (Camp Kum-Ba-Yah, Inc.); Athletic Mentorship & Behavior Modification Program (Dominion Sports); Enhancing Special Needs Housing Opportunities (Miriam's House); College Hill Neighborhood School; R. S. Payne Elementary School Playground Improvements (Schools); Lynchburg Literacy Council; The Gateway (New Land Samaritan Inn); YWCA Town Center Restrooms (YWCA); YWCA Domestic Violence Prevention Center (YWCA); White Rock Hill After School Program (White Rock Hill Education Center); Emergency Fuel Assistance for Elderly (Interfaith Outreach Association); Job Readiness Training (New Land Jobs); The Western Hotel/Joseph Nichols Tavern (Lynchburg Covenant Fellowship); and Rush Homes of Central Virginia. A representative of the HOME Program recipients asked that the projects be funded as submitted. There was no one else present who wished to speak to this item, and the public hearing was closed. Following the public hearing, Mayor Hutcherson announced that a work session regarding the FY2005-2006 Community Development Block Grant (CDBG) and HOME Programs is scheduled for March 22.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #6 regarding amending the Community Development Block Grant (CDBG) budget and reallocating \$60,000 from the FY 03 CDBG Housing Stabilization Program to fund the cost of the Mid-town Area Plan. Administrative and Grants Coordinator Melva Walker outlined the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson along with Council Member Dodson stated that they would not support taking funds from the housing stabilization program to fund the Mid-town study, especially since none of the large private property owners were willing to help fund the study. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-031, as presented, amending the Community

Development Block Grant (CDBG) budget and reallocating \$60,000 from the FY 03 CDBG Housing Stabilization Program to fund the cost of the Mid-town Area Plan:

Ayes: Foster, Gillette, Johnson, Seiffert, Hutcherson

5

Noes: Dodson, Helgeson

2

// In the matter of City Code, a public hearing was held regarding City Council Report #7 regarding adoption of an Ordinance to amend the City Code relating to the inspection of residential rental property within the City, and adoption of a Resolution enacting a code enforcement inspection/reinspection fee. Building Commissioner Bob Drane provided an overview regarding the proposed changes to the residential rental property ordinance, explaining that the inspectors will primarily focus on violations involving "life safety and sanitation conditions." There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-032, as presented, amending the City Code relating to the inspection of residential rental property within the City, and adopted Resolution #R-05-033, as presented, enacting a \$50 code enforcement inspection/reinspection fee:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// In the matter of City Code, a public hearing was held regarding City Council Report #8 regarding adoption of an Ordinance to amend the City Code relating to a proposed 4% increase in water and sewer rates. Director of Utilities Tim Mitchell provided an overview of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Some Council Members questioned the need for an increase in the water rates. Mr. Mitchell explained that increases are needed in both the water and sewer rates in order to meet existing operating and capital needs and to maintain compliance with the Combined Sewer Overflow (CSO) Special Order. Following discussion, City Council agreed to discuss the rate increases concurrently with the upcoming budget deliberations.

// In the matter of Community Planning - General, City Council Report #9 was considered. City Manager Kimball Payne asked for City Council's direction regarding local support of three proposed projects applying for Low-Income Housing Tax Credits through a program administered by the Virginia Housing Development Authority. Mr. Payne explained that this is a very competitive process and one way for a developer to get additional points is to receive a letter of support from the local jurisdiction. Mr. Payne went on to say that staff supports two of the projects, i.e., the Meadowbrook Apartments and the Central City Homes proposals, but does not support the Wesley Apartments proposal. On motion of Council Member Helgeson, seconded by Council Member

Johnson, Council by the following recorded vote agreed with staff's recommendation and authorized the City Manager to send letters of support to the Virginia Housing Development Authority for the Meadowbrook Apartments and the Central City Homes proposals:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #10 was considered. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-034, as presented, approving the proposed public street extension of Atherholt Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 10:30 P.M. to March 15, at 1:00 P.M., to conduct a work session regarding the FY 2006 Proposed Budget.

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Clerk of Council